

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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LONNIE VINSON,

Plaintiff,

-vs-

MTD CONSUMER GROUP, INC.

Defendant.

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CASE NO. 1:11 CV 01259

: ORDER ADOPTING THE  
: MAGISTRATE JUDGE'S REPORT AND  
: RECOMMENDATION AND DENYING  
: IN PART AND GRANTING IN PART  
: THE DEFENDANT'S MOTION FOR  
: SUMMARY JUDGMENT  
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

On 5 December 2012, this matter was referred to United States Magistrate Judge Nancy A. Vecchiarelli for a Report and Recommendation (R&R) on the defendant MTD Consumer Group, Inc.'s motion for summary judgment. (Doc. 30). On 24 January 2013, MJ Vecchiarelli returned an R&R with the recommendation that the motion be denied in part and granted in part. (Doc. 31). The magistrate judge concluded that the motion should be denied with respect to those claims in Counts II and III of the complaint based on MTD's failure to promote the plaintiff to the Lead Weld position in January 2006, but that the motion should be granted in all other respects. (Doc. 31 at 27).

The parties were advised that objections to the R&R were to be filed within fourteen days after having been served with a copy of it, and that a failure to object may result in waiver of the right to appeal. Pursuant to 28 U.S.C. § 636(b)(1), this Court

makes a *de novo* determination of those portions of the R&R to which a timely objection is made. Neither party has filed objections.

The magistrate judge's R&R is well-reasoned and without error, and it is adopted in its entirety. Therefore, the defendant's motion for summary judgment is denied in part and granted in part, in the manner set forth in the Report and Recommendation. (Resolving Doc. 20).

IT IS SO ORDERED.

/s/ Lesley Wells  
UNITED STATES DISTRICT JUDGE

Date: 15 February 2013